

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TK HOLDINGS, INC.,

Plaintiff/Counter-Defendant,

Case No. 08-14266

-vs-

HON. AVERN COHN

CTS CORP., et al.,

**CTS CASE**

Defendants/Counter-Plaintiff.

**ORDER OF BIFURCATION**  
**AND**  
**REVISED<sup>1</sup> SCHEDULING ORDER**

A.

This is a patent case. CTS claims that TK has infringed three of its patents, as follows:

U.S. Patent No. 6,431,013, B2, Strain Gage Having An Attached Unstrained Area for the Mounting of Signal Conditioning Components ("the '013 patent")

U.S. Patent No. 6,467,361 B2, Strain Gage Sensor Having an Unstrained Area ("the '361 patent")

U.S. Patent No. 6,161,891, Vehicle Seat Weight Sensors ("the '891 patent")

On May 14, 2012, the Court held a Markman hearing on the '891 patent and heard argument on TK's motions for reconsideration of its Markman decision regarding the '013 and '361 patents. Following the hearing, the Court held a status conference with the parties. This order memorializes the matters discussed at the hearing and the status conference.

B.

Liability and damages are BIFURCATED. The issue of wilfulness is also

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<sup>1</sup>Paragraph D has been revised in light of TK's partial objections. See Doc. 125.

BIFURCATED. The parties shall advise the Court within ten (10) days if they consent to try damages and wilfulness to the Court.

C.

TK shall file by Monday, May 21, 2012 a supplemental paper regarding its motions for reconsideration. CTS shall file a response by Tuesday, May 29, 2012.

D.

Expert discovery shall be completed within ninety (90) days after the Court issues its Markman decision on the '891 patent and its decision on TK's motions for reconsideration. Thereafter,

If the claim construction favors CTS's position, CTS may move for summary judgment on liability (infringement) within thirty (30) days.

Additionally, TK may move for summary judgment of non-infringement and/or invalidity within thirty (30) days.

2.

If the claim construction favors TK's position, TK may move for summary judgment of non-infringement and/or invalidity within thirty (30) days.

E.

Any objections to this order shall be filed within five (5) days.

SO ORDERED.

Dated: May 23, 2012

s/ Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of this notice was sent to parties of record on May 23, 2012, electronically and/or by U.S. mail.

s/Michael Williams  
Relief Case Manager to the Honorable  
Avern Cohn